<u>REMARKS</u>

An Abstract has been added, as required by the Examiner, which is descriptive of the claimed invention.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 19 has been cancelled, while claim 20 has been amended to depend from claim 18. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 1, 3-8, 13, 15, 16 and 18-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,725,461 to Dougherty et al. The Examiner has further rejected claims 9-11 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of U.S. Patent 7,000,245 to Pierre et al. In addition, the Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of Pierre et al., and further in view of U.S. Patent Application Publication No. 2002/0144291 to Smiley et al. Furthermore, the Examiner has rejected claims 2, 14 and 17 under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of U.S. Patent Application Publication No. 2003/0163832 to Tsuria et al.

The Dougherty et al. patent discloses a reminder system for broadcast and non-broadcast events based on broadcast interactive applications, in which an apparatus generates an application data signal. A broadcast receiver, which may be a television, VCR, set-top box or FM radio receiver (col. 7, lines 25-31), also includes a data extractor coupled to the tuner for

extracting the interactive application from the broadcast data and provides the extracted interactive application on a bus (Col. 7, line 46-53). The bus is coupled to a microprocessor which stores, via the bus, the extracted interactive application into a first storage device as instructed by a program stored in a second storage device (col. 7, lines 54-57). However, D1 discloses "The program stored in the second storage device is preferably an execution engine for executing an interactive application defined by various scripts, forms, definitions, and code and graphic resources" (paragraph 0032), which is different from claim 1.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 (and claim 18) includes the limitation "an application data generator for generating an application data signal by retrieving the stored application data from the data storage separately from the content signal". The Examiner has indicated that this limitation is disclosed in Dougherty et al. at col. 7, lines 51-57.

Applicant submits that the Examiner is mistaken. In particular, Dougherty et al. discloses "...the microprocessor 210 uses the program stored in the second storage device 214 and the interactive application stored in the first storage device 212 to execute the interactive application and provide an output. The program stored in the second storage device 214 is preferably an execution engine 217 for executing an interactive application defined by various scripts, forms, definitions, and code and graphic resources" (col. 8, lines 11-18). As such, Dougherty et al. does not disclose the limitation as claimed in claim 1.

Further, a technical problem to be solved is mentioned on page 2, lines 21-24 of the specification, where it is stated that a system for generating an application signal allowing for increased flexibility, reduced complexity, reduced delay, and/or increased data rate would be advantageous. The invention as claimed in claim 1, has a distinguishing feature. The distinguishing feature is that the apparatus comprises "an application data generator for generating an application data signal by retrieving the stored application data from the data storage separately from the content signal." This feature is used to solve the technical problem mentioned above. However, Dougherty et al. does not disclose or suggest such feature but discloses an execution engine for executing an interactive application defined by various scripts, forms, definitions, and code and graphic resources.

In addition, the technical effects based on the distinguishing feature are in the following:

- It allows for optimization of application data processes and Communication independently of requirements and restrictions relevant to content signals;

- Delays associated with application data access may be significantly reduced;

- Application data may be accessed at high data rates; and

- It allows for reduced processing complexity of application data.

The Pierre et al. patent discloses a system and method for recording pushed data, in which an application data indication of a content signal is modified. However, Applicant submits that Pierre et al. does not supply that which is missing from Dougherty et al., i.e., "an application data generator for generating an application data signal by retrieving the stored application data from the data storage separately from the content signal".

The Smiley et al. publication discloses network publication of data synchronized with television broadcasts, in which Advanced Television Enhancement Forum (ATVEF) data is stored at a central receiving site, and access thereto is effected over, for example, the Internet. However, Applicant submits that Smiley et al. does not supply that which is missing from Dougherty et al. and Pierre et al., i.e., "an application data generator for generating an application data signal by retrieving the stored application data from the data storage separately from the content signal".

The Tsuria et al. publication discloses time shifted interactive television.

The Examiner has indicated that the claim 2 limitation "the apparatus comprises a communication processor for communicating the application data signal at a data rate higher than an average application data rate of the content signal" is disclosed in Tsuria et al. at paragraph 0182.

Applicant believes that the Examiner is mistaken. In particular, paragraph 0182 of Tsuria et al. states:

> "The opportunistic enhanced television category preferably includes interactive applications that may accompany television programs but are not directly related to the television programs. An example of an interactive application in the opportunistic enhanced television category is stock-tickers that are displayed over news headlines and selected interactively."

Applicant submits that there is nothing in paragraph 2 relating to the data rates of the delivery of the application data signal.

Further, Applicant submits that Tsuria et al. does not sup-ply that which is missing from Dougherty et al., i.e., "an application data generator for generating an application data signal by retrieving the stored application data from the data storage separately from the content signal".

In view of the above, Applicant believes that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicant believes that this application, containing claims 1-18 and 20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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